IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NOs : 15213, 15215 and 15237 of 2004

WRIT PETITION NO.15213 OF 2004

Between:

1 Adapa Narasaiah S/o Ramaiah
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
2 Radarapu Satyam S/o Appaiah
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
3 Burra Venkateswarlu S/o Ramulu
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
4 Gurram Kalavathi W/o Venkateswarlu
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
5 Velpula rajamma W/o Ramaiah
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
6 Oleti Venkateswarlu S/o Koteswara Rao
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
7 Nukala Laxmaiah S/o Veeraswamy
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
8 Kommaboina Venkanna @ Venkateswarlu S/o Malliah
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
9 Burra Mangamma W/o Malliah
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District

10 Jakkula Veeranagulu S/o Bushaiah
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
11 Jakkula Krishnaiah S/o Bushaiah
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
12 Somanaboina Venkanna @ Venkateswarlu S/o Amaraiah
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District
13 Saini Venkateswarlu S/o Shankaraiah
R/o Tekulacheruvu Village, Burgampad Revenue Village, Burgampad Mandal, Khammam District

..... PETITIONERS

AND

1 District Collector, Khammam
2 Mandal Revenue Officer, Burgampad, Khammam district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records in Rc. No. A/808/02 on the file of the 2nd respondent and to issue an appropriate Writ order or direction more particulalry in the nature of Writ of Certioreri a) to Quash the order in Rc. No. A/808/02 dated 12-11-2003 issued by the Mandal Revenue Officer, Burgampad, Khammam District as are illegal contrary to the Provisions of the A.P. rights in Land and Pattedar pass Books Act 1971 and violative of principles of natural justice b) to direct the Mandal Revenue Officer, Burgampad to conduct enquiry under the Rule 22 of A.P. Rights in Land and Pattedar Pass Books Rules 1989 for issue of passbooks and title deeds for the petitioners' lands.

Counsel for the Petitioner:MR.R.KAMESWAR RAO

Counsel for the Respondent No.: GP FOR REVENUE

WRIT PETITION NO.15215 OF 2004

Between:

1 Kamma Rangaiah, S/o. Late Venkaiah,
R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.
2 Burra Venkateswarlu, S/o. Ramulu,
R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.
3 Kodi Gurumurthy, S/o. Veeraswamy,

R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.

4 Kodi Nagamma, W/o. Venkanna,
R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.

5 Burra Venkateswarlu, S/o. Lingaiah,
R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.

6 Enugula Suresh, S/o. Gattaiah,
R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.

7 Enugula Venkanna, S/o. Komaraiah,
R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.

8 Tellaboina Mangamma, W/o. Annaiah,
R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.

9 Tellaboina Komaraiah, S/o. Simhadri,
R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.

10 Kandula Venkataramanamma, W/o. Apparao,
R/o. Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam District.

..... PETITIONERS

AND

1 District Collector, Khammam District.
2 Mandal Revenue Officer, Burgampad, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to call for the records in Rc.No.A/224/2003 on the file of the 2nd Respondent and to issue an appropriate Writ order or direction more particularly in the nature of Certiorari - a) To quash order in Rc.No. A/224/2003 dated 12-11-2003 issued by the Mandal Revenue Officer, Burgampad, Khammam District as are illegal, contrary to the provisions of the A.P. Rights in Land and Pattedar Pass Books Act, 1971 and violative of principles of natural justice. b) To direct the Mandal Revenue Office, Burgampad to conduct enquiry under the Rule 22 of A.P. Rights in Land and Pattedar, Pass Books Rules 1989 for issue of passbooks and title deeds for the petitionerS lands.

Counsel for the Petitioner:MR.R.KAMESWAR RAO

Counsel for the Respondent No.: GP FOR REVENUE

&

WRIT PETITION NO.15237 OF 2004

Between:

1 Perugu Mallaiah, S/o.Bojjaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
2 Penugu China Venkanna, S/o.Mallaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
3 Perugu Ilamma, W/o.Basavaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
4 Mididodla Venkateswarlu, S/o.Raghavulu,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
5 Boina Bagyamma, W/o.Shivaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
6 Boina Shivaiah, S/o.Bikshamaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
7 Burra Ramaiah, S/o.Lingaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
8 Burra Rukhmini, W/o.Ramaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
9 Burra Nageswararao, S/o.Lingaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
10 Konidhini Aruna, W/o.Venkateswarlu,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
11 Burra Mallaiah, S/o.Lingaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
12 Burra Mangamma, W/o.Mallaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
13 Jakkula Nagaiah, S/o.Komaraiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
14 Jakkula Srisailam, S/o.Komaraiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
15 Nukala Lingamma, W/o.Bikshmaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
16 Boina Venkateswarlu, W/o.Bikshmaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.
17 Boina sunitha, W/o.Srinivasarao,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,

Burgampad Mandal, Khammam Dist.

18 Reddiboina Sydulu, S/o.Venkaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.

19 Jakkula Lingamma, W/o.Peda Venkanna,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.

20 Kodi China Lingaiah, S/o.Veeraswamy,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.

21 Dasari Lingaiah, S/o.Guravaiah,
R/o.Tekulacheruvu Village, Burgampad Revenue Village,
Burgampad Mandal, Khammam Dist.

..... PETITIONERS

AND

1 Dist.Collector, Khammam.
2 Mandal Revenue Officer, Burgampad, Khammam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly in the nature of certiorari a) To quash the order in Rc.No.A/224/2003 dated 12-11-2003 issued by the Mandal Revenue officer, Burgampad, Khammam district as are illegal, contrary to the provisions of the A.P. rights in Land and pattedar pass Books Act, 1971 and violative of principles of natural justice. b) To direct the Mandal Revenue officer, Burgampad to conduct enquiry under the rule 22 of A.P.rights in Land and pattedar pass Books Rules 1989 for issue of passbooks and title deeds for the petitioners lands.

Counsel for the Petitioner:MR.R.KAMESWAR RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court, at the stage of admission, made the following :

-

COMMON ORDER:

Since the issue involved in all these writ petitions is one and the same, they are all disposed of by a common order.

All the petitioners claim to have purchased different extents of property in different survey numbers from one Mir Liyaqath Ali during the year 1958 and got executed an unregistered sale deed dated 9.1.1959 in their favour, which was written in urdu. As per the averments made in the writ petitions, it is the case of the petitioners that pursuant to the enactment of A.P. Rights in Land and Pattedar Pass Books Act, 1971 (for short 'the Act'), the petitioners made an application under Section 5-A of the Act before the Mandal Revenue Officer-second respondent herein, requesting for issuance of Pattedar pass books and title deeds, after conducting the enquiry under Rule 22 of A.P. Rights in Land and Pattedar Pass Book Rules, 1989, since the transactions were effected under unregistered sale deeds. The time for submitting such application was initially fixed in the year 1991 and it was extended from time to time and was finally fixed as 31.10.1998. Even as per the averments in the affidavits filed in support of the writ petitions, the said Mir Liyaqath Ali was having about 300 Acres of land and out of that, the petitioners have purchased some extents of land, for which they have applied for pattedar pass books and title deeds. Through the impugned order dated 12.11.2003, the Mandal Revenue Officer, Burgampahad-second respondent herein informed the petitioners that their request for issuance of pattedar pass books and title deeds, cannot be considered since the applications, alleged to have been filed by them in the year 1991 are not traceable in the office records. Questioning the correctness of the same, the writ petitions are filed.

Learned counsel for the petitioners is not in a position to answer any of the questions put by the Court i.e. on the date of alleged sale transaction, there was a ban imposed under Section 47 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950, if the alleged sale is presumed to be correct, why the petitioners have not validated the alleged sale deed under Section 50-B of the said Act. Moreover, in view of the enactment of Land Ceiling Act, 1961, whether such sale deed is made in contravention of the same; and if the alleged sale is to be accepted, whether the same was shown in the declaration filed under the said Act, to be deleted by the original pattedar to know the genuineness of the sales pleaded by the petitioners. Learned counsel for the petitioners has not answered even to a single question except stating that since the applications submitted by petitioners in the year 1991, were rejected by the Mandal Revenue Officer-second respondent, at the instance of the District Collector,Khammam-first respondent, the petitioners cannot prefer any appeal, and it is his case that the petitioners are entitled for issuance of pattedar pass books and title deeds, as per the application filed by the petitioners under Section 5-A of the Act.

When the respondents categorically declared that no such applications were received within the time fixed for registration of Form-X i.e. 31.10.1998, and no such applications are pending in the R.O.R. files, no purpose would be served directing the respondents to consider the applications, alleged to have been submitted by the petitioners.

The writ petitions fail and are accordingly dismissed. No costs.

A. GOPAL REDDY. J.

07th October, 2004

tsr.

To

1 Dist.Collector, Khammam.
2 Mandal Revenue Officer, Burgampad, Khammam Dist.

3 Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.